



PLANNING COMMISSION AGENDA REPORT

VI.4

MEETING DATE: NOVEMBER 10, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-08-28
1125 VICTORIA STREET, SUITE R1

DATE: OCTOBER 30, 2008

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to operate a convenience store that delivers food and beverages, including beer and wine, to customers with no customer walk-in traffic permitted.

APPLICANT

The applicant is Jeff Bordok, authorized agent for William and Natasia Sokol, the owners of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property is located at the southwest corner of Victoria Street and Valley Road. The retail center, named Victoria Square, is located on the City's Westside; however, it is not located in any of the City's Westside Urban Plan Areas. The in-line retail building was constructed in the early 1960's; the pad building at the corner was constructed in the late 1970's, completing the overall development of the retail center.

ANALYSIS

The applicant operates Midnight Muncheez, a service that delivers food, beverages, and other convenience store items directly to customers; no walk-in customer traffic is allowed. Total staff is three persons, who accept orders via phone or internet and deliver the ordered items directly to the customers. The purpose of the delivery service is to provide a shopping alternative for persons who might try to drive under the influence. A detailed description of the use can be found in Attachment 2 of this report.

The applicant originally operated this service from a 400 square foot suite at 129 Cabrillo Street and relocated to Victoria Square in July 2008. The applicant applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 20 (Off-Sale Beer and Wine) license for this location, which requires a CUP. The license allows the sale of beer and wine for off-site consumption.

A typical concern with convenience stores that sell alcoholic beverages is that an overconcentration of these stores may create increased crime and blight in the neighborhood (there is already an existing liquor store within this retail center). However, because the proposed beer and wine license is for a use that provides deliveries only with no customer walk-in traffic, adverse impacts to the surrounding neighborhood are not anticipated.

Furthermore, the sale of beer and wine at this location will not result in an overconcentration of off-sale ABC licenses in the area (three off-sale licenses are allowed; one off-sale license exists). There has also not been a history of Code Enforcement or Police problems associated with the use. Finally, the recommended conditions of approval in Attachment 1 will ensure the use will not be a detriment to the surrounding neighborhood or businesses, including the following:

- Hours of operation for customer deliveries is limited from 5:00 p.m. to 3:00 a.m., Sunday through Thursday, and 5:00 p.m. to 5:00 a.m., Friday and Saturday.
- Store deliveries from outside vendors is not permitted between 5:00 p.m. and 8:00 a.m., seven days a week.
- Delivery drivers shall refrain from the use of car horns, loud radios or music, car alarms, or yelling within the parking lot during customer delivery hours.

The delivery drivers will also be required by ABC to comply with the State regulations for selling alcoholic beverages, including the hours of sale (not later than 2:00 a.m.) and no sale to persons younger than 21 years of age.

GENERAL PLAN CONFORMITY

The use is permitted in the C1 zone with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed by the applicant, with the recommended conditions of approval; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that, with the recommended conditions of approval, the use will not create any adverse impacts on surrounding properties. Therefore, staff supports the conditional use permit request.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
Exhibit "A" (Findings)
Exhibit "B" - Draft Conditions of Approval
 2. Applicant's Description of the Use
 3. Location and Zoning Map
 4. Plans

cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Jeff Bordok
Midnight Muncheez
1125 Victoria Street, Suite R1
Costa Mesa, CA 92627

William & Natasha Sokol
1420 Hillcrest
Laguna Beach, CA 92651

ATTACHMENT 1

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-08-28**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Jeff Bordock, authorized agent for William & Natasha Sokol, owners of real property located at 1125 Victoria Street, Suite R1, requesting approval of a conditional use permit to operate a convenience store that delivers food and beverages, including beer and wine, to customers with no customer walk-in traffic; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-08-28 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-28 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of November, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on November 10, 2008, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use, as conditioned, is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The proposed use, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the use is required to comply with the State Alcoholic Beverage Control (ABC) requirements and the City's recommended conditions of approval for the sale of alcoholic beverages. The proposed use consists of deliveries of food and beverages directly to customers, with no walk-in customer traffic permitted. Adverse impacts to the surrounding neighborhood are not anticipated because of the limited number of staff (three), delivery vehicles (one per staff person), and the recommended conditions of approval. The sale of beer and wine at this location will not result in an overconcentration of off-sale ABC licenses in the area. There has not been a history of Code Enforcement or Police problems associated with the use. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the commencement of the sale of beer and wine at this location. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 2. The use shall be limited to the type of operation described in this staff report. i.e., a convenience store that delivers food and beverages, including beer and wine, directly to customers, with no walk-in traffic customer traffic. Any change in the operational characteristics including, but not limited to, hours of operation, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 3. No customer walk-in traffic shall be permitted. Signs shall be posted at the business stating this.
 4. Hours of operation for customer deliveries shall be limited from 5:00 p.m. to 3:00 a.m., Sunday through Thursday, and 5:00 p.m. to 5:00 a.m., Friday and Saturday.
 5. Store deliveries from outside vendors shall be not be permitted between 5:00 p.m. and 8:00 a.m., seven days a week.
 6. Off-sale alcoholic beverage sales shall be limited to only beer and wine.
 7. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever security and operational measures are necessary to comply with this requirement.
 8. Delivery drivers shall refrain from the use of car horns, loud radios or music, car alarms, or yelling within the parking lot during customer delivery hours.
 9. Doors shall remain closed at all times.
 10. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
 11. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-28**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Jeff Bordock, authorized agent for William & Natasha Sokol, owners of real property located at 1125 Victoria Street, Suite R1, requesting approval of a conditional use permit to operate a convenience store that delivers food and beverages, including beer and wine, to customers with no customer walk-in traffic; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-08-28 with respect to the property described above.

PASSED AND ADOPTED this 10th day of November, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-08-28. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2

Midnight Muncheez Business Operations

Midnight Muncheez was founded to help provide an alternative for young adults when it comes to the need for late night food service. While living in Newport Beach the founders of Midnight Muncheez experienced that young adults were putting themselves and others at risk by driving or wandering the streets looking for a late night food solution. The main concept of this company is to provide a food delivery service while helping to educate young adults about the risks of drunk driving. This is a resource for young adults that has been non-existent in the cities of Costa Mesa, Newport Beach and Huntington.

On April 11, 2008 in the Orange County Register Sgt. Evan Sailor from the Newport Police Department said - Last year, there were 1,562 DUI arrests made in the two cities with Costa Mesa claiming 1,024 of them. Sgt. Evan Sailor of the Newport Beach Police Department said he hadn't yet heard of Midnight Muncheez but supported the company's intent.

"The concept and the idea – absolutely we support that," Sailor said. "Anything that would reduce the number of drunk drivers on the road is a benefit to the community and to the police department." (Please see attached articles for examples of Midnight Muncheez positive impacts upon the community.)

Midnight Muncheez plans to operate out of their corporate facility at 1125 Victoria Street R1, Costa Mesa CA 92627. The operations of this building are described below.

1. This facility will be used to warehouse food and beverage products including beer and wine, function as a delivery business and function as a retail storefront. These products are not cooked or heated at our location. All goods are individually labeled by the manufacturer. We will be distributing products you could attain from a grocery store.
2. There will be 3 employees at this facility. One employee will be responsible for taking and packing orders. Two employees will be delivery drivers that will be driving compact cars delivering to

homes. Delivery times will be 6pm-5am Fri-Sat and 6pm-3am Sun-Thurs. All deliveries from our distributors will be made before 5pm on business days.

3. While our business caters to delivery business, this facility will also cater to walk in business during the hours of operation.

It is our business practice to be a benefit to the community and in no way a hindrance to those in our close vicinity. Employees are even restricted from talking outside of the office while loading their cars. We plan our operations at this location to make a huge impact in helping to provide a safe solution to those who choose to enjoy the beautiful nightlife here in Southern California.

In short, this location is used to warehouse our products until they need to be delivered to surrounding homes while also open to the public as a retail storefront. The appliances listed above for storing products are very minimal and make virtually no sound. The transportation used will always remain compact vehicles and **never** commercial delivery trucks. By operating in this aspect we believe we will be providing only a positive solution that has been needed for a long time to this community.

Jeff Bordok
CEO/Owner
Midnight Muncieez
949-230-7710



Friday, April 11, 2008

Snack attack? Company feeds night owls with store-to- door service

Service delivers food,
beverages, even toiletries in
hopes of curbing drunken
driving.

By NIYAZ PIRANI

THE ORANGE COUNTY REGISTER

It's 3:30 a.m. and Spencer, a 21-year-old Balboa Peninsula resident, has just gotten on the motorbike in the bedroom of his upstairs apartment and he's about to start it up. A 2-foot-tall water pipe sits on a table next to his bed.

In the living room, two friends sleep on separate couches while a third sits in a comfy, wornout chair watching TV.

Spencer lets it rip — the loud roar draws out his vulgar screams disregarding the neighbors.

One of his sleeping friends jolts awake with a puzzled look on his face; the other never moves a muscle.

It's just one of the odd situations the delivery drivers of Midnight Munchiez find themselves in every night.

It's been nearly a month since the late-night service in Costa Mesa and Newport Beach opened and the business has seen French bread pizzas, packs of cigarettes and red plastic cup packs fly out the door.

Midnight Munchiez — conceived by many a hungry and inebriated partygoer but executed by Newport Beach residents Jeff Bordok and Jared Jones — delivers food, beverages, party supplies and even toiletries in hopes of curbing the number of drunken drivers in the area.

Also helping the cause are Chief Financial Officer Sam McDonald and drivers Sean O'Neil and "R.P.", a local bartending legend.

"It's always something we've seen to be a need on the peninsula," Bordok said. "Currently, there's a pizza place open until 1:30 a.m., so everybody's getting out of the bar. And there's no solution for food, so everybody's driving over the bridge, getting DUIs and putting themselves at risk."

Last year, there were 1,562 DUI arrests made in the two cities with Costa Mesa claiming 1,024 of them. Sgt. Evan Sailor of the Newport Beach Police Department said he hadn't yet heard of Midnight Munchiez but supported the company's intent.

"The concept and the idea — absolutely we support that," Sailor said. "Anything that would reduce the number of drunk drivers on the road


Advertisement

only in crocsSM shoes.





www.citiesbyfoot.com

Print Powered By  Dynamics

**THE ORANGE COUNTY
REGISTER**
ocregister.com

is a benefit to the community and to the police department."

The service — which offers comparable retail prices with a \$2.99 delivery fee — isn't only for partiers, though plans are in motion to begin delivering alcohol by the summer.

There's been many an order where people just want some ice cream and popcorn to snack on while enjoying a movie at home, but Midnight Munchiez does get its fair share of oddball requests.

Aside from drivers being asked to join the party at some of their stops, the company has taken orders from a customer who insists on going by the code name MacGyver and delivered laundry detergent and a pack of smokes to a woman in dominatrix leather.

Bordok said he hopes the service will be expanded to college students needing school supplies and dry cleaning, and Jones hopes to stock medicine, diapers and more in the goal of becoming a mobile convenience store.

While the venture isn't the first Orange County late-night delivery service — Pink Dot served a number of cities from 1999 to 2001 before becoming limited to Los Angeles — it is currently the only one in the county and a needed service in the area, many customers said.

"In this area, by a college town and by the coast, there are a lot of people staying out late," said Jeff McKeever, owner of Toys in the Attic smoke shop and a Munchiez customer. "Having cups and stuff to munch on late night is a lot better than walking somewhere or driving somewhere intoxicated."

The team has been marketing itself by handing

out lighters with the Munchiez logo at Newport bars.

If things go well in Costa Mesa and Newport, the owners want to expand to Huntington Beach.

"We don't want to dig too deep into our customers' pockets, but we want to be fair to ourselves as a company," Bordok said. "By providing a good service and prompt delivery at a good price, that's what's going to build that relationship between us and our customers and really take us to the next step."

Contact the writer: 714-445-6689 or
npirani@ocregister.com

Advertisement

only in cross[™] shoes.



www.citiesbyfoot.com

Print Powered By Format Dynamics

Published Sunday, March 23, 2008 10:09 PM PDT

Business

BUSINESS SPOTLIGHT:

Intoxicated and hungry? Order out

After-hours delivery company hopes services prevent DUI accidents.

By Michael Miller

Jeff Bordok and Jared Jones sought to fulfill a need when they started their all-night food delivery company — and it wasn't just the cry of an empty stomach.

The longtime friends, who founded Midnight Muncheez in Costa Mesa this month, had grown concerned about the large number of drunk driving accidents reported around Newport-Mesa. Part of the problem, Bordok and Jones suspected, was that many drunken partygoers got hungry in the wee hours of the morning, and with most restaurants stopping delivery by midnight, they ended up cruising the streets looking for a bite.

If that's the case, then Midnight Muncheez — which delivers food, drinks, candy, ice cream, and even toiletries and party games to homes and businesses — may prevent a number of fender-benders by stopping the need for a 1 a.m. run to the convenience store.

"We're trying to keep them off the streets," said Bordok, who worked in the nonprofit field for nearly a decade before launching his new enterprise.

Midnight Muncheez has a tiny staff of six — the owners, Chief Financial Officer Sam McDonald and a trio of drivers — and operates out of a cramped office on the Eastside. Bordok and Jones, though, already have plans to expand. The company stocks about 180 food and personal care items, and the owners hope to increase the number to 600 after polling customers about their midnight cravings. They also aim to widen their delivery area, which covers the Eastside and Balboa, to all of Newport-Mesa.

Call Midnight Muncheez any time between 6 p.m. and 3 a.m. — or 5 a.m. Thursday through Sunday — and a driver will show up on your doorstep within minutes with ice cream, a burrito, a cup of noodles, just a Coke or a stack of napkins. The company charges a \$2.99 delivery fee, but there's no minimum price for an order.

"If you order one ChapStick, we'll deliver it to you," said Jones, who hasn't taken that particular request yet, but did recently venture into the night with Alka-Seltzer, Pepto-Bismol and toilet paper.

To help promote their business, the owners have visited bars around town and distributed menus and cigarette lighters with the Midnight Muncheez logo; some places, Bordok said, have even advertised the company over their public address systems. He and Jones also plan to approach local hospitals and hotels — where patients, Jones reasoned, may be sick of eating the same foods — to offer their services.

Brion Amendt, the general manager of the Newport Channel Inn, said his staff had already started passing out Midnight Muncheez brochures to customers and gotten a positive response.

"Apparently, it's kind of a nice thing," Amendt said. "If everything is closed at night, they can bring some snacks door to door."

OWNERS: Jeff Bordok and Jared Jones

SPECIALTY: Nighttime and early-morning deliveries of food and basic items

LOCATION: 129 Cabrillo St., Suite. 103, Costa Mesa

HOURS: 6 p.m. to 3 a.m., Monday through Wednesday; 6 p.m. to 5 a.m. Thursday through Sunday

CONTACT: Call (877) 396-8624 or visit www.midnightmuncheez.com

MICHAEL MILLER may be reached at (714) 966-4617 or at michael.miller@latimes.com.

[CLOSE WINDOW]



Midnight Muncheez Brings the Store to Your Door in the Wee Hours

Last Edited: Monday, 14 Apr 2008, 12:25 AM PDT
Created: Sunday, 13 Apr 2008, 9:55 PM PDT

If you are too tired or trashed, or just don't want to go out late... a company called "Midnight Muncheez" can help you if you live in the Newport Beach or Costa Mesa areas.

Call them or visit their Web site, and they will deliver whatever you need for a fee.

They operate from 8 p.m. until 5 a.m. from Thursday to Saturday, and 8 p.m. to 3 a.m. from Sunday to Wednesday.

Here's the address:
www.midnightmuncheez.com

Here's the phone number: (877) 396-8624.



Got the munchies but just can't be bothered to go out and pick up something yourself? Fear not, a company called Midnight Muncheez may be able to help you out.

Are You Buried in Debt?

Lower Payments & Cut Debt 60% with Debt Consolidation. \$15K Minimum.
Consolidation.Debtamerica.com

Lose 15 Pounds This Month

Oprah and NBC featured Hoodia, a dieting miracle. Try a Free Sample
www.hyperhoodia.com

I "Hate" my Yellow Teeth

The Secrets Dentists don't want you to know about Teeth Whitening!
www.best-teeth-whitening.com

Top 5 Teeth Whiteners

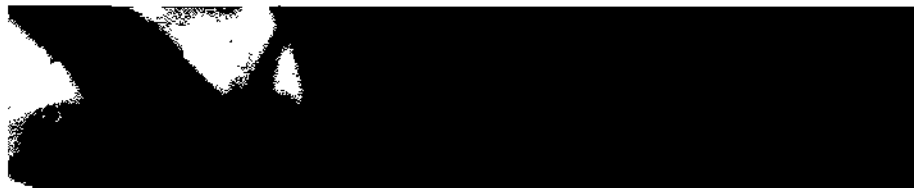
Bananas are yellow. Teeth should be white. Top 5 whiteners reviewed.
www.BestWhiteners.com

[Buy a link here](#)

[Print This Page](#)

The Voice of Orange County ~ Michael A. Caruso

Real Time Orange County Information



OC's Midnight Munchie Business



Well, there is a time for everything and with drunk driving a sore spot everywhere a group of entrepreneurs has found a way to keep people safe and make a business out of it!

These guys, known as "Midnight Munchiez" provide the solution for the OC's munchie craving middle of the night consumers by selling and delivering everything from french bread pizzas, to ice cream, popcorn, peanuts, cigarettes and even toiletries in hopes of curbing the number of drunken drivers who might venture out to buy munchies after a night of partying. Some consumers just like the idea of a night time delivery service while they're kicking back watching a movie at home.

Either way, the police support the effort and it keeps drivers safer when keeping drunken drivers off the road. This business thrives in Newport Beach and hopes to expand to Huntington Beach. Most college towns should consider a service like this.

I like the entrepreneurial style and the concept because it can save a life. Good luck to "Midnight Munchiez".

And thank you for making me [Your Orange County Real Estate Connection](#).

Best regards, Michael Caruso

~ by Michael A. Caruso on May 3, 2008.

Posted in [Blogroll](#), [California](#), [Consumer Awareness](#), [Education](#), [Life](#), [News](#), [Orange County](#), [Real Estate Info](#), [Thoughts](#), [culture](#)

Tags: [cigarettes](#), [consumers](#), [delivering](#), [drunken drivers](#), [entrepreneurs](#), [french bread pizzas](#), [ice cream](#), [midnight munchiez](#), [partying](#), [peanuts](#), [popcorn](#), [selling](#), [toiletries](#)

Leave a Reply

You must be [logged in](#) to post a comment.

[Journal Search...](#)

About This Post

This entry was posted on May 3, 2008 at 9:05 pm and is filed under [Blogroll](#), [California](#), [Consumer Awareness](#), [Education](#), [Life](#), [News](#), [Orange County](#), [Real Estate Info](#), [Thoughts](#), [culture](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can [leave a response](#), or [trackback](#) from your own site.

Navigate

- Previous: [OC band marches in Nations Capital](#)
- Next: [Cinco de Mayo and Avocados](#)

Get a free blog at [WordPress.com](#). Theme: ChaoticSoul by [Bryan Veloso](#).

..

Click Here

Online is the New Primetime!
"A fun site with serious traffic"


• Run-of-Site • Unlimited Impressions • Monthly Performance Report

Welcome To PubDistrict!

Advantages

- Interactive
- Measurable Performance
- Cost Less
- More Reach 24/7
- Links to Your Site
- More Ad Views

Advertise with PubDistrict.com



Home
Articles
Search
Links
About Us



Our editing manager Brandon resides in the drama laden OC and is out every night combing the scene for the latest scoops on just about everything.



Outer Limits, Tattoo and Body Piercing



Inting the scene Costumes

NightLifestyle Born to DUI

Life is a ride

Jump to: [NightLifestyle: Born to DUI](#)

[Return to Articles Page](#)

So Common in the Late Night Scene

Very few people in the local scene don't have at least a friend or two without one of these. It can hamper your life, cost you a ton of cash, and make your work life and your nightlife virtually impossible without becoming a charity case to your friends and family. Whether it's a (.08) from one beer too many or a (.25) which could probably kill a midget, an expensive world of inconvenience is on its way. I am of course talking about a (drum roll) "DUI".



So you're out having a good time and you've had a few drinks. Now it's time to go and you feel more or less of sound mind. You hop behind the wheel, now you're driving along trying to keep it together and you see them in your rear view mirror. The lights on top appear like a sharks fin out of water. Then the red and blues flip on, you get that sinking feeling and begin to realize what a great idea taking a cab would have been and perhaps those last two "Patron shots"...well, maybe not your best idea to date. You pull to the side of the road, roll down the window and wait for the inevitable.

When you're pulled out of the car for a suspected DUI, you can expect to be put through a series of special tests. Typically they begin with a divided attention test; your standard 'stand on one foot and touch your nose' routine or 'walk in a straight line one foot in front of the other' exercise. The examiner (a.k.a. COP) looks for seven indicators of impairment while testing: if the suspect (YOU!) cannot keep balance while listening to the instructions, begins before the instructions are finished, stops while walking to regain balance, does not touch heel-to-toe, uses arms to balance, loses balance while turning, or takes an incorrect number of steps, the suspect is then deemed to have had too much to drink. NHTSA (National Highway Traffic Safety Association) research indicates that 68 percent of individuals who exhibit two or more indicators in the performance of the test will have a B.A.C. (Blood Alcohol Content) of (.10) or greater. (nhtsa.dot.gov)

The next common test is the 'nystagmus' (a fancy word for involuntary eye movement) test. That's the one where you are instructed to follow the light, finger or other wand of incrimination using only your eyes. The 'fith' will look for these indicators of intoxication: (1) Lack of smooth pursuit, (2) Distinct nystagmus at maximum deviation, (3) Onset of nystagmus prior to 45 degrees; always checking for clues at least twice in each eye. Basic rule of thumb here, the more bounce the more you've had to drink. This test is considered one of the most inaccurate being how most officers misread it; it's also the most arguable in court. Additionally, this bouncing can be caused by a slew of other health conditions that have nothing to do with how much you've had to drink. Caffeine and nicotine can induce nystagmus as well.

And finally THE BREATHALIZER! Inhale deep, breathe hard into a tube and prepare to get cuffed. Now I've tried everything I could in this situation, breathing lightly, pretending to breathe hard, it doesn't matter. This is what DOES matter; you don't have to take this test. If your case does end up in court, not having taken this test will not incriminate you. In fact, you don't have to take any of the above described tests. However, if you refuse, you will most likely take a ride to the station in the backseat of a cop car and get your car towed at your expense. But hey, it's your choice. If you suspect your B.A.C. to be just around (.08) I would opt for skipping the breathalyzer to buy yourself more time until the blood test normally conducted at the station. Once arriving at the station you will be asked to take either the blood or the urine test. Just a tip though, the person who takes your blood isn't as nice as your school nurse. She jabbed that needle spear into my arm like I owed her money. Sometimes the actual blood test results come out a point or two below the breathalyzer test; that could make all the difference in the world. Finally you get processed, fingerprinted, a mug shot taken, herded into cell with other criminals and fellow drunks and wait to make your one phone call. They do release you when someone comes to pick you up. The whole process usually takes a few hours and your car can be picked up from the impound yard right away.

Please Rise! Next up is the arraignment. You already know you can plead innocent or you can plead guilty. Chances are if you didn't resist the arrest, puke on the cop, or fall flat on your face while being tested; you can plead guilty and opt for the minimum legal sentence in California. If you plead innocent you'll probably need a lawyer; however, there is that small chance that you could win the case and get off with \$3,000-\$6,000 less in your account. The good news is your insurance won't go up and nothing will appear on your record. On the flipside there are the rest of us who can't afford a lawyer, so we're guilty by default. Sure you can settle for a court appointed attorney, but if your B.A.C was over (.08) there's not much they can do.

Congratulations, tell them what they've won Johnny!

At a MINIMUM you will receive the following:

1. \$1550 in fees which you can pay all at once or in \$100 increments every month, or work it off for 50 hours of community service;
2. Attend a 3-month level 1 first time offender alcohol program which will cost you \$500;
3. Have your license suspended for six months with the added bonus of informal probation for 3 years. Yaaaay!!!

So that's what you get if you get caught and convicted. Now that you know how much it sucks to get a DUI, there are many things you can do to prevent this horrific experience or at least extremely irritating fate from befalling you. There are taxis and limos; a \$15 cab ride is a lot more affordable

Online is the New Primetime!
"A fun site with serious traffic"

Advertise with PubDistrict

Advantages...

- Interactive
- Cost Less
- Links to Your Site
- Measurable Performance
- More Reach 24/7
- More Ad Views

[Click Here](#)

Run-of-Site
 Unlimited Impressions
 Monthly Performance Report

35.5% 18 and over spend 3 hours or more a day online.



Be Seen in the Scene

then a \$1500 fine.

Another good way of staying out of trouble is simply knowing your limit. Buy a personal breathalyzer and test yourself. Bring it with you to a club and test yourself when your capability to drive comes in question. They're cheap, about \$40 or \$50.

So in the end just be responsible. If you know you'll be drinking all night designate a driver (DD). Always plan ahead and coordinate a ride home or carry enough cash reserves for a taxi ride. Although sometimes unreasonable and seemingly unfair these laws were designed to keep people from hurting themselves or each other. Either way it's a crappy way to end a fun night. Stay safe, stay smart, have fun and enjoy the nightlife.

SIDE BAR

As DUI laws and penalties get tougher, as well as, more strictly enforced, businesses are springing up to help save the hopeless drunk from themselves. Here are a few to keep in mind next time you think about getting behind the wheel after eight shots of Patron.

Midnight Munchiez: A late night delivery service for drunks who risk getting pulled over as they swerve their way to Del Taco for a late night snack. They can provide you with everything from aspirin and drinking games to candy and condoms, as well as, a slew of other late night munchies. Open from 8pm-5am. 1-877-EZ-Munch

Taxi companies such as 1-800-TAXI-CAB or 1-800-4-MY-TAXI

The Party Lounge: www.partylounge.net: Boasts the largest RV Limo fleet in the West! 30 and 60 passenger busses available.

Revolution Party Bus: myspace.com/revolutionpartybus. Makes weekly trips to large events and can take you from the OC to LA and back with free entry to all the hot spots.

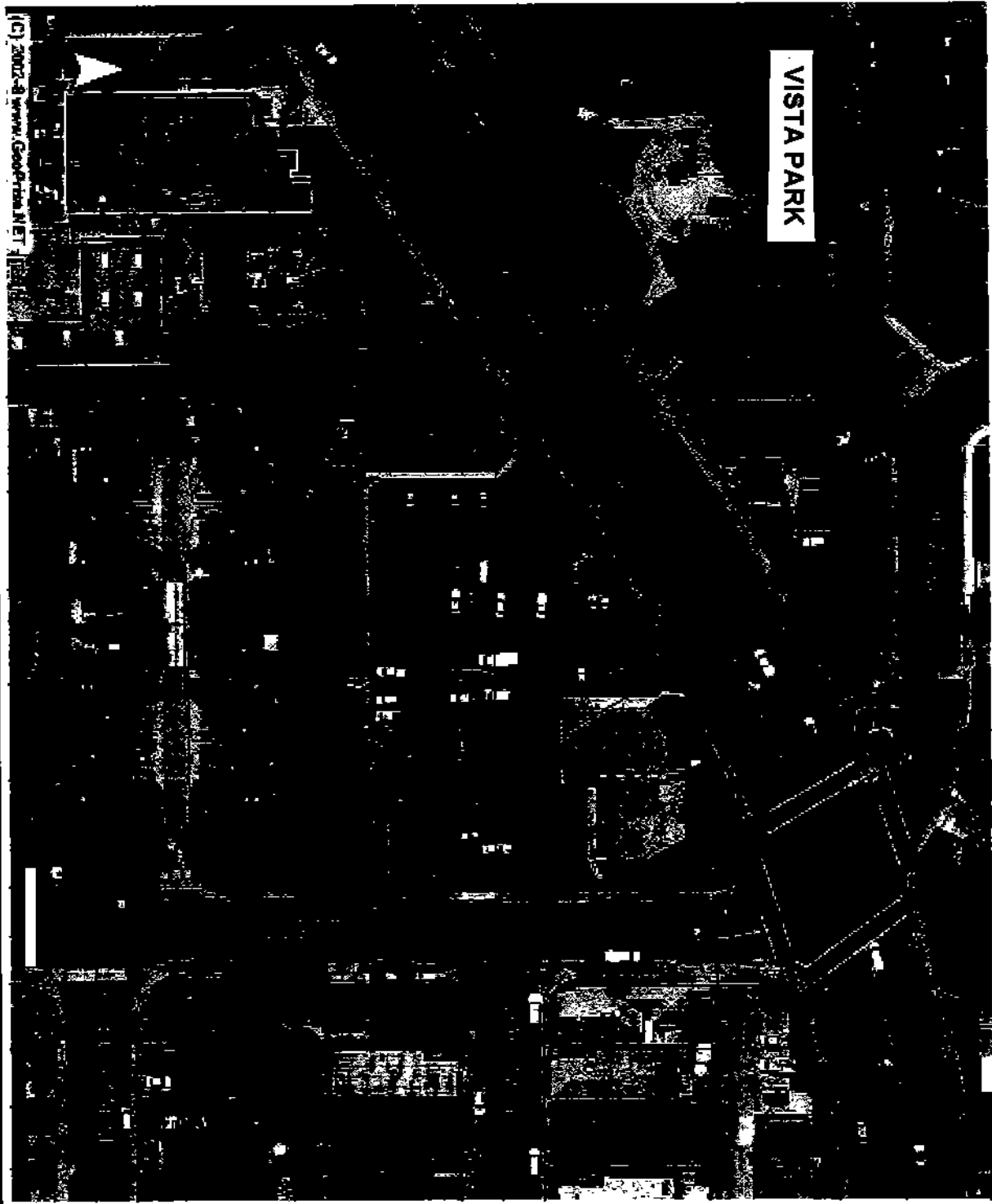
Overview Map



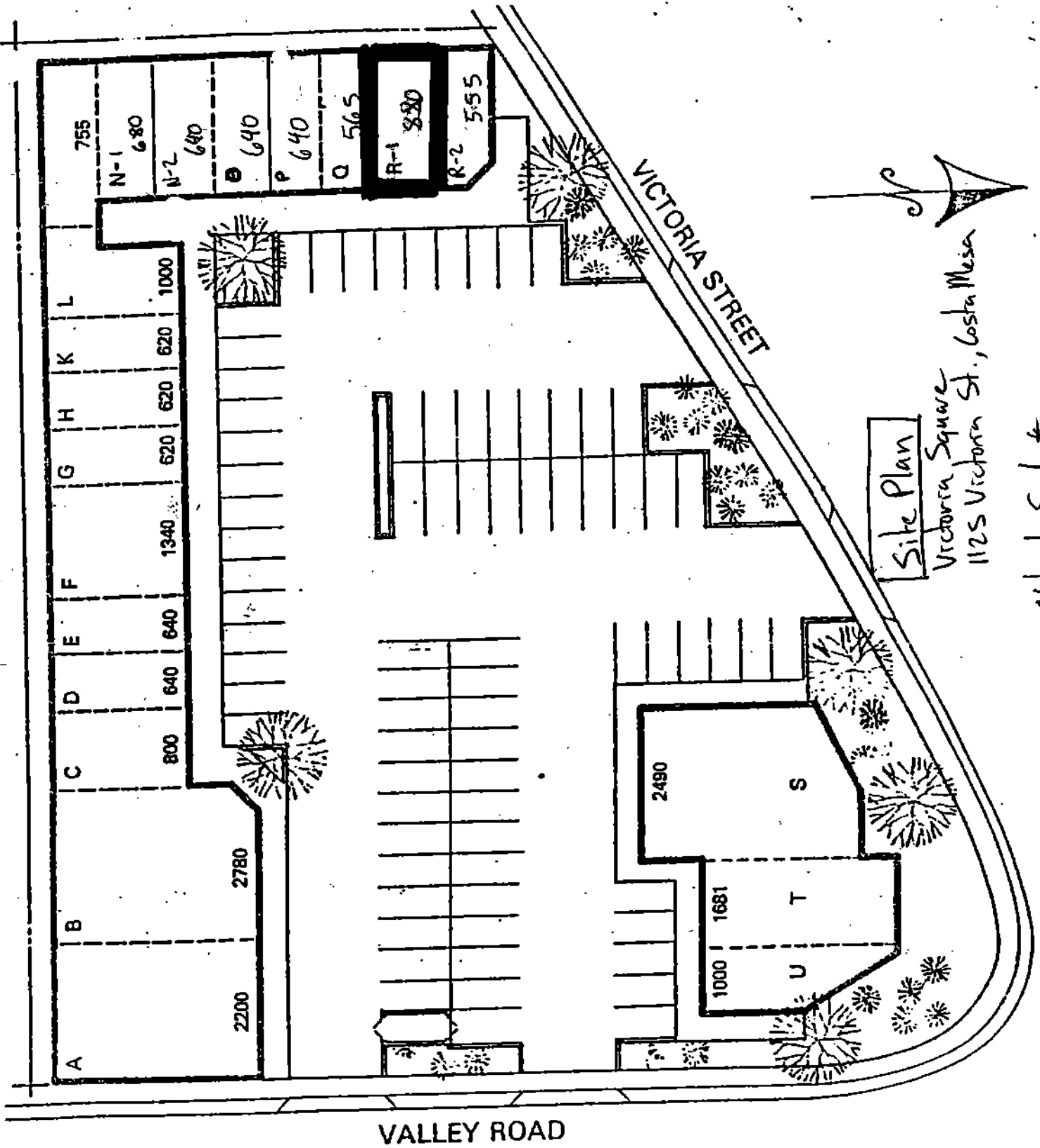
Legend

- Street Names
- Parcels
- Street Centerlines
- Parcel Lines
- Level 1 Ortho Photo
- Parcels ROW Polygon

Map Display



(c) 2002-8 GeoPria.net (GeoVec, Inc.) - (866)422-2505



Site Plan

Victoria Square
1125 Victoria St., Costa Mesa

* Not to Scale *

20
SITE PLAN

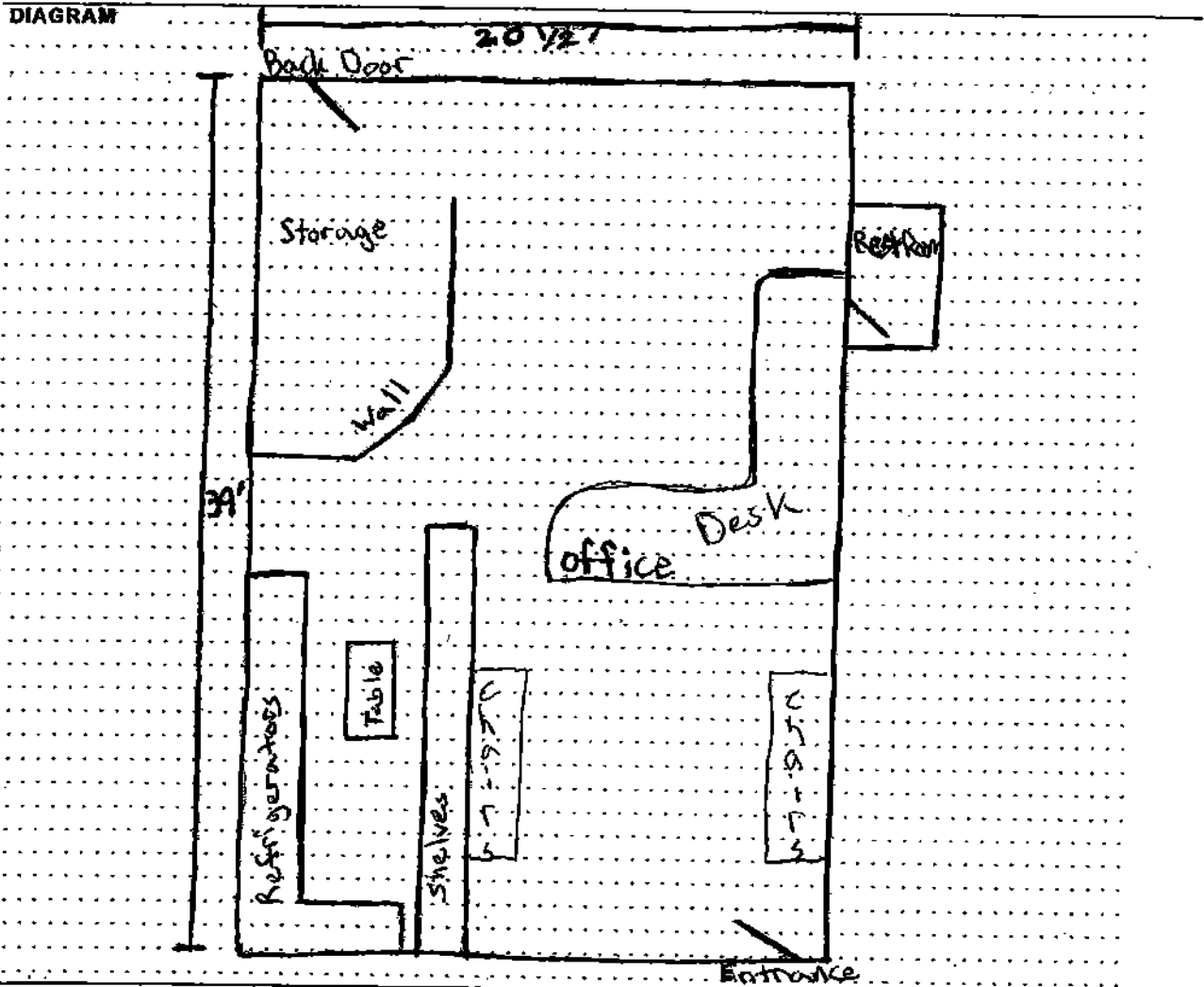
File
PA.08.28

Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

State of California
 ARNOLD SCHWARZENEGGER, Governor

1. APPLICANT NAME (Last, first, middle) Midnight Muncheez LLC	2. LICENSE TYPE 20
3. PREMISES ADDRESS (Street number and name, city, zip code) 1125 Victoria St. R1, Costa Mesa, CA 92627	4. NEAREST CROSS STREET Valley

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, *including dimensions*.



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required) <i>[Signature]</i>	DATE SIGNED 7-14-08
FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature)	PRINTED NAME
INSPECTION DATE	

VI.4
PA-08-28

From: JBBordok@aol.com [mailto:JBBordok@aol.com]
Sent: Tuesday, November 04, 2008 8:09 PM
To: LEE, MEL
Subject: Fwd: FW: Orange County Type 20 License

Mel,

Please see the below email from my broker for the liquor license. Per our discussion the store does need to be open to the public. I do want to stress that we do not market for walk in customers but need to be open as this is a regulation of the ABC we can not seem to get around. As I mentioned I am will to remove anything that might attract walk in business and would even be willing to donate all proceeds of walk in business to MADD or any other group. My point is that we are a delivery company and do not ever plan to market to attract walk in business as that does disrupt our business model. I would appreciate the opportunity to sit down with you and other decision makers to see if we can come to some sort of compromise. If a compromise can not be made I am afraid I will have to shut down my business. I know we are due to go in front of planning on Monday so there is urgency here. Please advise if there is a time I can come in and meet and discuss any possible opportunities. I think if we remove the two outside signs on victoria street our business will go unnoticed to walk ins. I can assure with the signs removed walk ins will rarely occur and am asking for a probationary time to prove so. I will do whatever it takes! I appreciate your help in regards to this matter. I will reach out to you via phone tomorrow Wednesday Nov 05.

Regards,

Jeff Bordok
CEO/Owner
Midnight Muncheez
Cell - 949-230-7710
Office - 1-877-EZ-MUNCH
JBBordok@aol.com
MidnightMuncheez.com

From: lcano@liquorlicense.com
To: jaredjones75@gmail.com
CC: jbbordok@aol.com
Sent: 11/4/2008 4:34:34 P.M. Pacific Standard Time
Subj: FW: Orange County Type 20 License

Louie F Cano
Phone: (800) 222-5777 ext. 25
Fax: (800) 771-0254
E-Mail: Lcano@liquorlicense.com
Web site: www.liquorlicense.com



From: Louie Cano [mailto:lcano@liquorlicense.com]

Sent: Tuesday, November 04, 2008 12:02 PM

To: Jeff Bordok

Subject: Orange County Type 20 License

Jeff,

Per my discussion with Truc Vo at the Santa Ana District ABC Office and Rick Ryan at the Dept of ABC Southern Division, the ABC will not issue a type 20 license to a storefront that does not have foot traffic. Per rule 27 in the ABC ACT, a Retail Store must comply with the following provisions:

- a) Alcoholic Beverages shall be sold only in the original package for consumption off the premises.
- b) Alcoholic Beverages offered for sale shall be displayed and available for convenient inspection and purchase by the general public. The licensee shall not refuse to sell, for immediate delivery, to qualified purchasers any item of alcoholic beverages on display for sale.
- c) All alcoholic beverages sold shall be delivered from the licensed premises, and shall not be delivered from a supply of alcoholic beverages stored off the licensed premises.
- d) The licensee may accept telephone orders for the purchase of alcoholic beverages only during the hours in which the retail store is open to the general public.

My discussion with Rick Ryan was that the location must be open to the general public. Having a website does not constitute being open per Mr. Ryan.

As I mentioned earlier as well, the Dept. of ABC does not deem your census tract as over-concentrated and therefore a finding of Public Convenience & Necessity is not required of the city.

Contact me if you have any other questions.

Best regards,

Louie F Cano

Phone: (800) 222-5777 ext. 25

Fax: (800) 771-0254

E-Mail: Lcano@liquorlicense.com

Website: www.liquorlicense.com

